UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/772
3 October 1997

ORIGINAL: ENGLISH

LETTER DATED 3 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The present submission follows the earlier submission on 22 September 1997 of a report by the Government of Croatia (S/1997/745, annex) for consideration by the Security Council in view of the upcoming deliberations in the Council concerning the completion of the mandate of the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in Croatia. In addition to the actions noted in the report, the Government has continued to take new steps in the reintegration process. For instance, the Danube region has been completely integrated into the judicial system of Croatia and the Sabor (Parliament) has adopted a law on validation of previously unlawful documents issued in the occupied territories that are necessary for everyday living. Finally, the Government has adopted a comprehensive and far-reaching reconciliation programme, which I have the honour to submit herewith (see annex).

The reconciliation programme is in many ways a crowning achievement of reintegration and it adds an all-important human element to the previous legal and administrative elements in the process. The programme emphasizes re-establishment of mutual trust, two-way returns and normalization of the situation in the reintegrated territories as its key goals.

An important part of every reconciliation process is the time factor. Since the time factor in the situation of Croatia has been very short, the wounds and costs of war are still very fresh. Therefore, the adoption of this programme is yet another difficult, but future-oriented gesture by the Government that shows its commitment to integrating as equal citizens all persons formerly affiliated with the occupying forces who have now accepted the rights and duties arising from Croatian citizenship.

May I ask for your kind assistance in circulating the present letter and its annex as a document of the Security Council.

(Signed) Ivan SIMONOVIC

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Ambassador
Permanent Representative

Annex

Programme of the Government of the Republic of Croatia for the Establishment of Trust, Accelerated Return, and Normalization of Living Conditions in the War-affected Regions of the Republic of Croatia

Preamble

Taking into consideration that a part of the Serb minority in the Republic of Croatia participated in aggression against Croatia, and with the impetus and aid of Serbia and Montenegro and the so-called Yugoslav People's Army, instigated, engaged in or supported an armed rebellion, the aim of which was the secession of Croatian territories in favour of Serbia and Montenegro,

Whereas during the armed rebellion and aggression against Croatia many criminal acts, grave breaches of international humanitarian law and of the basic rights of the individual were committed,

Whereas during the war emotional and inappropriate language was used in the private and public arena so as to generalize guilt and strengthen feelings of hate and division,

Taking into consideration the will of the people of the former Socialist Republic of Croatia expressed in a referendum on 19 May 1991, regarding the future of their Republic in the circumstances of the disintegration of the former Socialist Federal Republic of Yugoslavia,

Proceeding from the Constitutional Decision on the Sovereignty and Independence of the Republic of Croatia, passed by the Croatian Parliament (Sabor) on 25 June 1991 in response to the will of the people expressed through the referendum, and the Decision of the Croatian Parliament (Sabor), passed on 8 October 1991, in which the Republic of Croatia severed all constitutional and legal ties with the former Socialist Federal Republic of Yugoslavia, and proclaimed its independence,

Also taking into consideration that the largest part of the occupied territories that were under the control of the rebel and other aggressor forces have been liberated, that is, that the greater part of the territories identified by the United Nations General Assembly in its resolution 49/43 of 9 December 1994 have been successfully reintegrated into the constitutional and legal system of the Republic of Croatia, and that, with the completion of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) pursuant to the Basic Agreement on the Croatian Danube Region, the last part of Croatian state territory will also be successfully and permanently reintegrated into the constitutional and legal system of the Republic of Croatia,

Whereas the Government of the Republic of Croatia strives to promote a way of life in which forgiveness, tolerance, coexistence and equal rights of all its citizens are a foundation for progress and development,

Reiterating that many citizens who took part in the armed rebellion against the Republic of Croatia have sought and been granted Croatian documents, and that they have by this act accepted all the rights and obligations that derive from Croatian citizenship, including respect for and defence of the territorial integrity and sovereignty of Croatia, and that they have accepted the Republic of Croatia as their homeland and have expressed the wish to be included in its political, economic and social life, and in that way to contribute to its prosperity,

Whereas the restoration of trust between all its citizens is of vital interest for the development of the Republic of Croatia as a State and as a respected member of the international community of States,

Whereas it is unconstitutional to distinguish between the former parties in conflict on the basis of ethnicity, as such a distinction results in collective guilt and ignores individual responsibility for crimes, and also ignores the positive role of members of various ethnic groups during the hostilities,

Given that by the Constitution of the Republic of Croatia and the Croatian Constitutional Law on Human Rights and Freedoms and on the Rights of Ethnic or National Communities and Minorities, as well as Croatia's succession to or ratification of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the Final Act of the Conference on Security and Cooperation in Europe, the Paris Charter for a New Europe and other relevant documents of the Organization for Security and Cooperation in Europe (OSCE) with regard to human rights, the Convention for the Protection of Human Rights and Basic Freedoms and its Related Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Rights of the Child, the legal foundations for the implementation of the highest international standards in the field of human rights have been established,

Whereas the Republic of Croatia has adopted and is implementing the Law on General Amnesty,

The Government of the Republic of Croatia hereby adopts a

Programme for the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the War-affected Regions of the Republic of Croatia

1. On this occasion the Government of the Republic of Croatia emphasizes with regard to all its citizens that it shall respect, protect and promote human rights, national and other basic rights, as well as other human rights and freedoms and civil rights, the rule of law and all other high values embodied in the Constitution and the international legal system.

2. The Government of the Republic of Croatia guarantees to uphold full freedoms, equality and security for all its citizens on all of its territory.

3. The Government of the Republic of Croatia supports the uniform development of all regions of the Republic.

A. Goals

4. The goals of the Programme for the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the War-affected Regions of the Republic of Croatia (hereinafter, the Programme) are the following:

(a) The creation of a general climate of tolerance and security;

(b) The realization of equality of all citizens with regard to the state administration;

(c) The establishment of trust between all citizens of the Republic of Croatia;

(d) The creation of general social, political, security and economic conditions for normalization of life in the war-affected regions of the Republic of Croatia;

(e) The speedy, secure and organized return of all Croatian citizens to those regions of Croatia from which they were expelled or displaced;

(f) The inclusion of all citizens of the Republic of Croatia in the building of democratic society within the framework of the existing democratic system;

(g) The creation of a political framework for the implementation of relevant legal norms.

B. Organization

5. The Government of the Republic of Croatia shall establish a National Committee for monitoring the realization of the Programme. The National Committee shall in cooperation with other bodies of the state administration pass measures it deems necessary for the realization of the Programme and it will submit its reports on the implementation of the Programme to the President and the Government of the Republic of Croatia.

6. The Chairman and members of the National Committee shall be named by the President of the Republic on the recommendation of the Prime Minister. The Chairman of the National Committee shall nominate the coordinators for different regions.

7. The counties, cities and municipalities shall establish and name the members of committees for monitoring the realization of the Programme in their

areas. The structure of these committees shall be the same as the structure of the National Committee. The county, city and municipal committees shall submit their reports on the implementation of the Programme to the National Committee.

C. Fields of competence

8. The Programme shall be implemented in particular but not exclusively, in the following fields: political, legal, administrative, internal affairs, economic, social, cultural, educational, reconstruction and return and the media.

1. Political

9. The political field of the Programme shall consist, in particular, but not exclusively, of the following:

(a) Public statements by the highest state officials as well as by mayors and heads of municipal governments through state and local media explaining the goals, purposes, needs and methods for implementing the Programme;

(b) A statement by the Prime Minister reaffirming that the Government supports the uniform development of all regions in the Republic and guarantees full freedoms, equality and security for all its citizens on its entire territory;

(c) Recommendations to the media to use language based on tolerance, moderateness and coexistence, and to promote tolerance as the leading principle in reporting and the preparation of programming;

(d) Recommendations to professional, religious and other associations to institute their own programmes of tolerance, reconciliation and coexistence;

(e) To consider publicly, directly and responsibly all questions and difficulties that arise during the implementation of the Programme.

2. Legal

10. The legal field of the Programme shall consist, in particular, but not exclusively, of the following:

(a) A public statement reiterating the Government's commitment to respect the highest international standards in the field of human rights;

(b) Completing the steps aimed at harmonizing internal legislation with the international legal responsibilities that Croatia has undertaken in the field of human rights;

(c) Increasing the efforts of the Ministry of Justice aimed at the removal of uncertainties with regard to the implementation of the Law on General Amnesty

and guaranteeing the termination of steps taken against suspects where there is insufficient evidence that war crimes have been committed;

(d) The Ministry of Justice, through the justice system, shall ensure that all individuals against whom there is substantiated suspicion of having committed war crimes during the Homeland War shall be brought to trial, without prejudice to which side they were on. The Ministry of Justice shall in turn notify the International Tribunal for the Former Yugoslavia of these proceedings. In this regard, special responsibility rests with the investigatory and justice bodies to establish the truth and to reach the appropriate decisions and/or judgements;

(e) Preparing a programme to inform the public of the position, role and functions of the Ombudsman of the Republic of Croatia within the State administration.

3. Administration and internal affairs

11. The areas of administration and internal affairs shall include, in particular, but not be limited to:

(a) Informing all state employees and officials of this Programme and emphasizing the need for increased attention and responsibility towards the equality of all citizens;

(b) Initiating measures against those state employees and officials who act in a manner contrary to the Programme;

(c) Public reaffirmation of the Government's obligation regarding the ethnic composition of the police force in the reintegrated areas;

(d) Educating police officers in respect of working in an area of return of refugees and displaced persons, and also of the content and spirit of this Programme;

(e) The Ministry for Internal Affairs shall undertake measures and such actions as are necessary in order to prevent all manner of illegal activities and incidents.

4. Economic affairs

12. The economic area of the Programme shall include the following measures of the Government and responsible ministries:

(a) Ensuring, within the limitations of the budget, the economic development of the reintegrated areas;

(b) Classifying the reintegrated area as a priority in the reconstruction and development of the country;

(c) A public statement by the Minister for Reconstruction and Development of equal access to finance for reconstruction for all Croatian citizens;

(d) Organizing a donors' conference for the purpose of collecting international aid for the reconstruction and development of the reintegrated area and the implementation of this Programme;

(e) A public statement by the Minister for Labour and Social Security about non-discrimination in the employment of Croatian citizens in public enterprises and the state administration;

(f) Implementation of active policy measures regarding employment, stimulating employment growth and self-employment;

(g) A public statement by the Prime Minister that the funds received as reparations and restitution and the funds arising from succession to the former Socialist Federal Republic of Yugoslavia shall be expended in the area where war damage was incurred for the purpose of its reconstruction and development;

(h) Undertaking measures to create a uniform level of economic development on the whole territory of the country, so that citizens living in the reintegrated area shall be ensured equal living conditions;

(i) Ensuring the financing of local government in the war-affected regions from the resources of the budget and the implementation of the system of taxation at the local government level for the collection of legally determined dues from taxpayers in the region;

(j) The development and implementation of measures within the competence of the Ministry for Agriculture and Forestry for the purpose of a quicker and more efficient redevelopment of agricultural and livestock production in the reintegrated areas;

(k) Intensifying work on the organization of a system of tourist communities, preparation and implementation of a system of subsidies and other stimulative measures for the organization of tourism in the reintegrated areas.

5. Social affairs

13. Social problems amongst the citizens of the Republic of Croatia arise mostly from the large number of losses of human life, war damage and the transitional phase of economic development. The different level of economic development and the financing of development and reconstruction almost exclusively from domestic sources has further increased social difficulties. The Government shall strive for the social well-being of its citizens and to that end shall undertake the following measures:

(a) In the areas of labour, social security, health services and employment, all laws of the Republic of Croatia shall be implemented in the same manner for all Croatian citizens;

(b) The organization of local authorities and the re-employment of those persons previously employed in the corresponding rebel authorities by the health and social security systems of the Republic of Croatia shall be accelerated;

(c) The reconstruction of and, according to needs and capabilities, establishment and development of new institutions for social assistance; centres for social assistance, children's homes, homes for the elderly and other institutions in the reintegrated area;

(d) Ensuring basic health services in the reintegrated area according to the standards that apply to all Croatian citizens;

(e) Continuation of monitoring of humanitarian circumstances in cooperation with humanitarian organizations and the United Nations and directing humanitarian activities towards the most needy areas.

6. Media

14. In view of the important place of the media in a democratic society, the Government shall recommend that:

(a) The media promote the equality of all citizens and the need to coexist in tolerance as the only democratically acceptable way of life;

(b) The media promote the rights of citizens that derive from the legal system of the Republic of Croatia;

(c) The media promote an atmosphere of tolerance, coexistence, respect for human rights and dialogue for the resolution of future excesses.

7. Culture

15. The Government of the Republic of Croatia shall continue to support:

(a) Clear and unequivocal respect for cultural heritage;

(b) Ensuring of cultural activity for all of its citizens, individually and collectively;

(c) The establishment of cultural associations for the purpose of preservation of national and ethnic identity;

(d) The protection of monuments and cultural artefacts.

16. The Ministry of Culture shall, within the scope of its competence, set out and monitor the realization of these measures and shall inform the National Committee in this regard.

17. The following are designated as priority cultural programmes in the war-affected areas: evaluation of war damage to cultural monuments; reconstruction

and repair of cultural monuments and cultural institutions; protection and restoration of movable cultural monuments; re-establishment of museum activities; renovation of libraries and library holdings; renovation of cultural centres; the operation and revitalization of cultural and artistic societies; protection, repair and preservation of the natural heritage and international cooperation in programmes, in particular with the United Nations Educational, Scientific and Cultural Organization and the Council of Europe.

8. Education

18. In the implementation of the Programme in the reintegrated area, the Ministry of Education and Sport shall, within the scope of its competence and in addition to its regular activities, give special attention to the implementation of:

(a) Seminars for teachers and instructors in all the fields of study;

(b) Seminars for directors, executives and accountants;

(c) Competitions, student meetings and field days;

(d) Special programmes and activities for gifted students;

(e) Music and sports competitions for students;

(f) Elementary and high school programmes that promote tolerance, equality and respect for human rights.

19. The Ministry of Science and Technology will consider the need and conditions for the establishment of colleges and universities in the reintegrated area and will develop mechanisms for providing state scholarships for exceptional students from this area and to students who wish to seek employment in this area.

9. Reconstruction and return

20. The Government of the Republic of Croatia shall undertake the necessary measures for the purpose of accelerating reintegration of the area under the temporary administration of UNTAES, by creating all of the necessary conditions in this area, and in the other areas of the Republic of Croatia, so as to bring about the fastest, most secure and organized return of Croatian citizens. The return of displaced persons to the area under temporary administration of UNTAES, as well as of Croatian citizens temporarily accommodated in that area to other parts of the Republic of Croatia, will be implemented through the mechanism agreed upon in the agreement concerning the operative steps of return signed by the Government of the Republic of Croatia, the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNTAES.

21. In the areas of return, it is necessary to undertake additional steps to improve the functioning of the legal system, ensure the functioning of the

infrastructure and economy, accelerate the reconstruction of houses and enable public and private enterprise to function immediately.

22. The returnees will be ensured of reconstruction of their homes or will be provided temporary accommodation, granted the status of returnee, provided with the possibility of employment or agricultural occupation on their farms and provided with social welfare within the framework of the limits of the Republic of Croatia.

23. It is especially necessary to emphasize the need for the financing of this process by international institutions responsible for caring for displaced persons, refugees and returnees.

24. Cooperation with all of the municipal commissions will be intensified in the area of return and in particular their supervision; furthermore the revision of all administrative decisions issued in accordance with the Law on Temporary Takeover and Use of Certain Property shall also be intensified.

25. Strengthened coordination with other administrative bodies will be ensured, in particular with the Ministry of Internal Affairs, for the purpose of better organization of the return of persons who left their residences and their property.

26. Precise instructions will be elaborated concerning the implementation of the Law on Temporary Takeover and Use of Certain Property, especially in the context of recent decisions of the Constitutional Court and the forthcoming amendments, with the aim of avoiding any misunderstandings in their implementation. Efforts will be made to acquaint each municipality with the implementation of the law and to accelerate the return of the owners to their homes.

27. Special efforts will be exerted in the work with international organizations, UNTAES, UNHCR and others, for the purpose of obtaining material assistance for the reconstruction of residential housing, namely, to accelerate the returns to the reintegrated area.